

## REMARKS

### Amendment To Claims

While Applicant traverses the rejections of the claims, in order to advance the prosecution of this application, Applicant is amending independent Claims 1, 9, 19, and 28 to recite the feature of “the insulating layer comprising a silicon nitride film and a carbon film.” This feature is supported by, for example, page 20, lines 19-24 in the specification of the present application. Hence, no new matter is being added.

Applicant has the following response to the rejections in the Office Action.

### Claim Rejections - 35 USC §103

In the Office Action, the Examiner has the following rejections under 35 USC §103(a):

1. Claims 1-3, 9-12, 18-22 and 28-31 are rejected as being unpatentable over Yamada et al. (US 5,990,629) in view of Shioya et al. (US 6,091,382) in view of von Stein et al. (US 6,529,243) and further in view of Shanks et al. (US 5,747,928).
2. Claims 7, 16, 26 and 35 are rejected as being unpatentable over Yamada and Shioya and von Stein and Shanks in view of Yamazaki et al. (US 6,388,652).
3. Claims 8, 17, 27 and 36 are rejected as being unpatentable over Yamada and Shioya and von Stein and Shanks in view of Yamazaki et al. '652 and further in view of Yamazaki et al. (US 6,445,005).

These rejections are respectfully traversed.

While Applicant traverses these rejections, as explained above, Applicant has amended independent Claims 1, 9, 19 and 28 to recite the feature of “the insulating layer comprising a silicon nitride film and a carbon film.” As explained at page 20, lines 19-24 in the specification of the present application, the insulating layer comprising a silicon nitride film and a carbon film

protects the EL element against moisture or the like and is effective to release heat generated in the EL element.

Neither Yamada, Shioya, Von Stein, Shanks nor Yamazaki et al. (US 6,388,652) teach or suggest this claimed feature.

With regard to Yamazaki et al. (US 6,445,005), as Applicant previously explained, Yamazaki '005 is not prior art to the present application.

More specifically, Yamazaki '005 issued on September 3, 2002 based on a U.S. filing date of September 13, 2000.

The present application was filed on September 20, 2000 and claims priority under 35 USC §119 of Japanese patent application serial number 11-271235 filed September 24, 1999 in Japan. A certified copy of this priority Japanese application was filed September 20, 2000 in the present U.S. application, and a verified English translation of Japanese patent application serial number 11-271235 was filed on October 16, 2008 in this application.

Hence, as the §119 priority filing date of the present application is prior to the U.S. filing date of Yamazaki '005, Yamazaki '005 is not prior art to the present application.

Therefore, for at least the above-stated reasons, the claims of the present application are not disclosed or suggested by the cited references and are patentable over the cited references. Accordingly, it is respectfully requested that these rejections be withdrawn.

#### Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

Please charge our deposit account 50/1039 for any fee due for this amendment.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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